

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7377

BILL NUMBER: HB 2088

DATE PREPARED: Jan 24, 1999

BILL AMENDED:

SUBJECT: Investigation of missing children reports.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a law enforcement agency to: (1) immediately investigate (instead of waiting up to 24 hours) a report of a missing child who is missing in alleged violation of a child custody or visitation court order; (2) forward the case to the prosecuting attorney within 24 hours; and (3) arrest persons in violation of the court order. It provides immunity from civil liability for law enforcement officers and agencies for the good faith exercise of their duties in this regard. It increases the penalty for interference with custody from a Class C or Class B misdemeanor to a Class C or D felony. It also requires a court to: (1) impose against a person convicted of interference with custody certain costs incurred by the parent or guardian of the missing child; (2) order the person convicted of the offense to immediately return the child; and (3) order the suspension or denial of the person's professional license, driver's license, gaming license, or license as an insurance agent, a bail agent, or a recovery agent.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill allows the revocation or suspension of licenses or certificates from persons who are delinquent in child support or convicted for interference of custody. It also makes provisions for suspension of driving licenses for persons convicted of these offenses. No information is available on the number of cases of these offenses in the state. Boards, commissions and committees functioning within the Health Professions Bureau and Professional Licensing Agency will experience a negligible impact due to this provision.

The bill increases penalties from Class C and B misdemeanors to Class D and C felonies. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor (Class C felonies are punishable by a period of between 2 and 8 years). The period of incarceration will depend upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class C misdemeanor is \$500 (the Class B misdemeanor maximum fine is \$5,000) while the maximum fine for a Class C or D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: The bill provides provisions for law enforcement agencies to do the following regarding missing children involved in alleged violation of child custody or visitation orders: (1) immediately prepare a report and investigate; (2) notify the prosecuting attorney; and (3) arrest alleged violators. These activities will act to increase administrative expenses for agencies. Court processing costs may also increase somewhat.

If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class C misdemeanor is up to 60 days (for Class B misdemeanors is it up to 180 days). The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction Health Professions Bureau; Professional Licensing Agency; Horse Racing Commission; Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association; Department of Correction.